

CHAPTER 10. ADDITIONAL PROVISIONS

101. REVIEW OF ENVIRONMENTAL STATEMENTS PREPARED BY OTHER AGENCIES. Other Federal, State or local agencies may consult FAA for assistance in analyzing environmental impacts which fall within the agency's functional area of responsibility. FAA should provide competent and cooperative advisory and consultative service on proposals affecting aviation and FAA responsibilities.

a. Comments should be organized in a manner consistent with the structure of the draft statement and should identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts, and should correct inaccuracies or omissions.

b. FAA projects that are environmentally or functionally related to the action proposed in the EIS should be identified so that interrelationships can be discussed in the final statement. In such cases, the FAA should consider serving as a joint lead agency or cooperating agency.

c. Environmental monitoring for which FAA has special expertise may be suggested and encouraged during construction, startup, or operation phases.

d. Other agencies will generally be requested to forward their draft EISs directly to the appropriate FAA regional offices. The following types of matters, however, should be referred to FAA headquarters for comment:

- (1) Actions with national policy implications;
- (2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance; and
- (3) Legislation, regulations having national impacts, or national program proposals.

Draft EISs in these categories are to be referred to P-1 for preparation of DOT comments and, where appropriate, to FAA headquarters. In referring these matters to FAA headquarters, the regional office is encouraged to prepare a proposed Departmental response.

e. Regional offices should review DEISs that do not have national implications. Comments should be forwarded directly to the office which the originating agency designates for receipt of comments. If the FAA receiving office believes that another DOT office also has an interest or is in a better position to respond, it should transmit the statement to the other office. If FAA and other DOT administrations comment at the regional level, the Regional Representative or designee may coordinate the comments.

12/21/83

f. When appropriate, the FAA should coordinate a response with Department offices having special expertise in the subject matter.

g. Comments shall be submitted within the time limits set forth in the request, unless the office responsible for submitting comments seeks and receives an extension of time. Comments should be concise, and should specify any changes desired either in the action proposed or in the environmental statement or both.

h. Copies of comments on another agency's EIS shall be provided to the requesting agency, to AEE-1 to P-1, and to the Regional Representative if a regional office prepared the comment.

102. EMERGENCY ACTION PROCEDURES. CEQ regulations allow modification of requirements in case of a national emergency, a disaster or similar great urgency. The processing times may be reduced or, if the emergency situation warrants, preparation and processing of a DEIS, EIS, or FONSI may be abbreviated. Such reduction in processing time should be requested from CEQ only for those projects where the need for immediate action requires processing in other than the normal manner.

103. APPLICATION OF CEQ SECTION 102(2)(C) PROCEDURE TO EXISTING PROJECTS AND PROGRAMS. The CEQ sec. 102(2)(C) procedure applies to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. In assessing the environmental effect of proceeding with such a project and in evaluating alternatives, consideration shall be given to the status of work and degree of completion. If the project or program is continued, it must, to the extent feasible, be shaped so as to enhance and restore environmental quality, avoid or minimize adverse environmental consequences, and consider environmental consequences not fully evaluated at the outset of the project or program.

104. ENVIRONMENTAL IMPACT STATEMENTS OR FINDINGS OF NO SIGNIFICANT IMPACT ON REQUESTS FROM FOREIGN SOURCES.

a. In compliance with Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, requests for FAA action by a foreign government, manufacturer or operator may fall within criteria requiring preparation of an EA, EIS, or FONSI. The responsible Federal official shall coordinate such requests with the State Department through P-30. After the State Department's notification all FAA requests to such a foreign applicant for information which FAA needs to prepare an EIS or FONSI should then be forwarded through the civil aviation authority of the applicant's government. Copies of the DEIS, EIS, and notices of any public hearings planned on the proposed action should be furnished to the applicant, the appropriate foreign civil aviation authority, and the Washington embassy of the country in which the applicant is located.

b. Any substantial differences arising in the course of the EIS between the originating FAA organization and a foreign applicant should be referred to the Office of Environment and Energy, which will consult with the Associate Administrator for Policy and International Aviation Affairs to resolve any problems.

105.-106. RESERVED.